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From-MARTIN&FERRAROLLP

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RESPONSE UNDER 37 C.F.R. 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 3764

PATENT

102.0010-01000

Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Gary K. Michelson, M.D.

Serial No: 08/480,461

Filed: June 7, 1995

For: INSTRUMENTATION FOR THE  
SURGICAL CORRECTION OF HUMAN  
THORACIC AND LUMBAR SPINAL  
DISEASE FROM THE LATERAL  
ASPECT OF THE SPINE (as amended)

Group Art Unit: 3764

Examiner: M. Brown

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**REPLY TO OFFICE ACTION UNDER 37 C.F.R. § 1.116  
AND REQUEST FOR WITHDRAWAL OF IMPROPER FINALITY**

In response to the to the Office Action dated September 18, 2001, an  
unnumbered paper, the following amendments and remarks are submitted:

**IN THE CLAIMS:**

Please amend the claims (with the changes as shown in the attachment) to read  
as follows: